



09-26-01

3732

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re Patent Application of

GROUP NUMBER 3732

JOHNSON, GARY E.

Serial No.: 09/204,866
Filed: 12 Dec. 1998

For: POWERED CUTTING
SURFACE WITH PROTECTIVE
GUARD FOR EQUINE TEETH
Group: 3732

Examiner:

I hereby certify that this correspondence
is being deposited with the United
States Postal Service as express
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ADDRESSED TO:

Assistant Commissioner of Patents
and Trademarks, Washington,
D.C. 20231

On 21 Sept 2001

John E. Halamka
John E. Halamka

Dated: 21 September 2001
Torrance, California

RESPONSE

Honorable Assistant Commissioner of Patents and Trademarks
Washington, D. C. 20231
Attn: Art Group 3732
Examiner: John J. Wilson

Dear Examiner Wilson:

Responsive to the Office Action dated 3/21/01, it is requested that
the following be considered:

Thank you for your finding of patentable matter of claims 16-29 in
the above identified application

In the office action, the examiner objected to claims 2, 3, 7, 8, 12
and 13 as being dependent upon rejected claims but would be allowed if
rewritten to include all of the limitations of the claims upon which they
depend. Applicant's attorney has rewritten claims 2, 3, 7, 8, 12 and 13
in independent form.

In the office action, the examiner has rejected Claims 1, 4, 5, 9 and
10 based upon the combination of de Estrada in view of Hicks and has
used the de Estrada and Hicks combination in further combination with
other patents as a basis for rejection of Claims 6, 11, 14 and 15.

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Applicant's attorney respectfully traverses the examiner's conclusion that de Estrada, showing a tool for the care of a horse's teeth having an electric motor, shaft, hand piece and guard as part of the hand piece in combination with Hicks which shows a hand piece for a shaft and a guard that is a portion of the hand piece define the entirety of applicant's device.

Upon careful reading of both de Estrada and Hicks, applicant's attorney has failed to find either patent having "a shaft support means through which said shaft may be removably inserted." (Applicant's Claim 1, lines 11 and 12).

Applicant's attorney finds no support for the shaft (flexible cable) 7 of the de Estrada device. The shaft (flexible cable) 7 is not removably inserted as de Estrada teaches holding the bur holder 8' in place at the end of the tube 7 sic. (should be "tube 9") with an epoxy adhesive. Page 3 lines 9 to 11 (end of first paragraph on page 3).

Upon reading of Hicks, page 1, lines 50 to 53, the shaft 15 is clamped into the chuck 12. The function of the shaft 15 as especially described on page 2, lines 1 to 45, is to be freely rotatable within groove 23. Hicks does not supply any support means whatsoever to the shaft 15. Thus, when user of the Hicks device applies the burr 16 to the horse tooth with pressure, the shaft 15 will press against the sides of the groove 23 and not be freely rotatable or if the groove 23 is fabricated to be larger, the guidance of the burr 16 to the desired location will be difficult, the burr 16 will be floppy, and may cause injury to the horse even with the guard or shield 25.

Applicant's device solves the problem of a floppy burr or binding shaft of the de Estrada and/or Hicks device by providing a shaft support means to prevent these difficult and dangerous situations.

Applicant's attorney thus requests the examiner to reconsider the rejection of applicant's claims 1, 4, 5, 9 and 10 as well as claims 6, 11, 14 and 15. All of these claims should be allowable because all contain the limitation of having a "shaft support means" generally shown as item 301 in applicant's device. Such a support means for the shaft is not shown or even suggested in the prior art cited by the examiner. Applicant's attorney respectfully alleges that the prior art teaches away from supplying a support means for the shaft.

The examiner has required formal drawings which applicant's attorney has requested to be prepared but has not received from his patent draftsman. The drawing will be submitted upon acceptable schedule of the examiner or at the time of submission of issue fee upon